

the first amendment is sacrosanct, that we cannot move forward with this, to ask themselves the question: Why is it OK to waive first amendment rights and not apply the first amendment to those commercial entities who are using the symbol of Joe Camel because that is so destructive to the health and welfare of our children, but when it comes to bestiality, when it comes to some of the worst forms of pornography that is wide open on the worldwide web and available to our children with the click of a mouse, that, oh, no, the first amendment must apply here? We have to be purists on this?

I ask my colleagues to ask themselves as parents, and ask the parents they represent in their States, what those parents think is the higher priority issue. If they are given the choice, are they more worried about their children modifying their behavior and taking up smoking because they see a 5-second image of Joe Camel? Or, are they more worried about their children modifying their behavior and responding in a way because they have been able to view some of the most crass, indecent, and, in my opinion, obscene sexual images that we have ever seen? I think the resounding response is going to be: Senator, let's do first things first; let's address the problems that are real problems.

So I conclude by pleading with my colleagues to let us resolve whatever problems you have with our going forward with this. We have been trying to do this. We have hotlined this 2 weeks ago. Both sides know what we are trying to do. If people have a problem, we will resolve that problem. But I hope there will not be an objection to going forward with that today when the majority leader propounds his unanimous consent request to allow us to go forward with this bill.

If there is an objection—after 2 weeks of hotlines, after 2 weeks of going to Members saying, "If you want an amendment, have an amendment, but at least allow us to debate the bill"—I can only conclude there is some effort here to prevent us from even talking about it, even bringing the bill up. We have an opportunity to avoid all that today very shortly when that unanimous consent request is propounded. I trust we will be able to do that.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Utah.

ORDER OF PROCEDURE

Mr. BENNETT. Mr. President, it was my intention at this point to propound the unanimous consent request that the Senate proceed to S. 2137, with a list of the amendments to be in order. At the moment, full agreement on this has not yet been worked out between the majority and minority and negotiations are still going on to that end. It is my hope I will be able to offer such a unanimous consent request at sometime in the future.

Looking forward to that time later today when we can get unanimous consent on proceeding to the bill, I would like to outline for the Senate the highlights of the bill. Then I understand there are some others who might wish to speak on the amendments that they would offer to the bill if we were, indeed, on it, and thereby have some of the discussion that we could deal with prior to the bill.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that we now go into a period of morning business, with Senators allowed to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I further ask unanimous consent that I be allowed to exceed the 10-minute period in the discussion of the legislative branch bill that will be propounded at some point, if, indeed, my time goes beyond that.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Mr. President, reserving the right to object, I ask unanimous consent I be allowed to exceed the 10 minutes speaking as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS

Mr. BENNETT. Mr. President, as I said, I was planning to ask unanimous consent that we proceed to S. 2137 and outline a series of amendments that would be in order. We are still working on that agreement between the majority leader and the minority leader who, I understand, are talking on this issue right now.

When we do go to that appropriations bill, I will make a point of thanking Senator DORGAN for his assistance as the ranking member. Since I have been chairman of the Legislative Branch Subcommittee and he has been my ranking member, we have not had, in my memory, a single point of major disagreement. Senator DORGAN has been more than diligent in attending all of the meetings of the subcommittee. His staff has been very cooperative with the majority staff in working out the difficulties, and I think it has been the kind of legislative relationship that I looked forward to, when I ran for the Senate, between members of the different parties.

The legislative branch bill will provide \$1,585,021,425 in new budget authority, exclusive of the House items for fiscal year 1999. Comity between the two Houses allows the House to set its amount and the Senate to set its amount, without difficulty from each other. This is a \$53,704,925 increase, or 3.5 percent above the fiscal year 1998 level. But it is \$72,359,575 below the amount included in the President's budget. The majority of the increases

in the bill are for cost-of-living adjustments, estimated at 3.1 percent.

The Senate portion of the bill includes a 1.8 percent increase over the fiscal year 1998 funding, which I think demonstrates some fiscal responsibility on our part. The Library of Congress and the GAO were provided funds for additional FTEs to assist the Congress in the information technology area, particularly addressing the year 2000 computer problem.

The Presiding Officer and others in the Chamber know I have made this something of an obsession. The Senate has created a special committee on the year 2000 technology problem, which I chair. We recognize that most of the expertise to provide the committee with the guidance that it needs will come from detailees to the special committee and from those experts in the Library of Congress and the GAO who already have a background in this area. So, to make sure the year 2000 problem is not exacerbated by lack of funds, these additional FTEs were included in this bill. That is part of the 3.5 percent increase over last year's level.

Approximately 21 percent of the Architect's budget is for capital projects; the balance, of course, of 79 percent is for the operating statement.

These are the outlines of the overall bill. As far as I know, and Senator DORGAN knows, the bill is noncontroversial except for those amendments that some Senators have indicated they would be willing to offer.

With that background of the bill that we have in mind, I yield the floor. I understand Senator BROWNBACK will be talking about some of the amendments that he would offer once the bill does come before us, and we can proceed then in morning business with that matrix. I see the Senator from Kentucky. I will be happy to yield.

Mr. FORD. Mr. President, may I ask Senator BROWNBACK how long he thinks he will take? We have some Senators with time problems, and I want to try to accommodate them. If I know how long he will be speaking, and others, I can probably accommodate them.

Mr. BROWNBACK. I don't know for certain who all will be interested in speaking on this.

Mr. FORD. You are asking for more than 10 minutes. I am wondering how long.

Mr. BROWNBACK. Probably around 30 minutes.

Mr. FORD. Will the Senator be willing to say no longer than 30 minutes?

Mr. BROWNBACK. Not at this point in time, but I think that will probably—

Mr. FORD. If that is the way we are going then, no one else will get more than 10 minutes.

Mr. BENNETT. I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Senator from Kansas is recognized under the previous order.

MARRIAGE PENALTY TAX

Mr. BROWNBACK. Thank you, Mr. President. I appreciate the Senator from Utah taking the time to explain what we are hoping to go to next, the legislative branch appropriations bill. I hope we can discuss as a part of that legislative branch appropriations bill something that affects 21 million American families and it increases their taxes an average of \$1,400 per family. It was done to them in 1969, the last year that we balanced the budget, until this year, and we have the ability to deal with it now. That is a thing called the marriage penalty, the marriage penalty tax.

I don't know how much of the American public is aware of this tax, but in 1969, there was placed a tax, actually a change in the Tax Code to a point that married couples were taxed more for being married than if they were single. It amounts, on average, to \$1,400 per family. It affects around 21 million American families, and it is wrong.

It is the wrong kind of tax. It is the wrong kind of notion. It is telling people, in the Tax Code, that we are going to penalize you for being married. This is a wrong idea when we are struggling so much in America today with the maintenance of families, with trying to keep families together, when we are trying to say that the foundational units of a civil society is the American family, and then we are saying, "Well, yeah, but we're going to tax you." We send by that signal that we think less of married families.

It is time that we go back and do what we did prior to 1969, and that is not tax married couples more than if they were just single people living together. We were, up until 1969, operating that way, and then in that year, in an attempt to get more revenues into the Federal Government, we put this tax in place, taxing married couples. It is wrong. It is the wrong idea. It is the wrong signal.

It is something that we have the ability to deal with now. The Congressional Budget Office this week stated that over the next 5 years, we will have \$520 billion in surpluses over the next 5 years—\$520 billion in surpluses over the next 5 years, a half a trillion dollars. I just say to my colleagues, my goodness, if we have that resource there, we have families struggling so much, if the foundational unit of a civil society is the family and we are taxing that family more, let's give them a little break.

This is the right vehicle on which to do it. We are talking about funding the legislative shop here, let's help fund the families a little bit. We have the ability to do it, and it will send the right signal. It will send a good signal. It is the time we can send a signal, and we ought to do it, and we ought to do it now.

That is what we were hoping to propose on the legislative branch appropriations bill, to deal with the elimination of the marriage tax penalty for

the working families. This hits mostly families between a combined income of \$20,000 per year to \$75,000 per year. That is the category of families that is hit by this marriage tax penalty.

The amendment that I was going to propose and was sponsored by Senator ASHCROFT and a number of others—Senator INHOFE, Senator SMITH, and I think a lot of my colleagues would join on this amendment—the amendment I was going to put forward does a very simple thing: It just makes the standard deduction the same for married couples as it is for singles.

I don't know how many people recognize this, but currently, if you file single, under the Tax Code, the standard deduction is \$4,150, while the marriage standard deduction is only \$6,900. Our amendment would simply raise the standard deduction for all married couples to \$8,300, precisely double what it currently is for single people, so you don't have this penalty built into the system, so you don't have this signal to the American public that we devalue this institution of marriage. In 1969, and prior to that period of time, we said you get the same if you are married, and then after 1969, we said you don't.

I guess there were a number of reasons this was put into effect in 1969. People were saying, "Well, if you are single versus if you are a couple, you have living expenses that are a little less." If there are two singles versus two people living together in the same place—there are a number, I suppose, of different reasons, but I guess actually at the end of the day, the reason was to get more tax money out of people's pockets. It was done then, and now we are saying let's correct this wrong.

When you ask the American public about this issue—and I raise it quite a bit with people—they think this is a ridiculous tax. We shouldn't be taxing couples more than we tax singles who live together. It just sends a signal that this is not the sort of thing we want to take place today, particularly when you look at what happens to our families across America.

I don't think I need to remind many people about the problems we are having with marriage and with families in this country today. We are having at any one time nearly 50 percent of our children living in a single-headed household, and many of these families struggling heroically to raise a family, but yet we are sending a signal against the family at the same time we do that.

We are also sending it to some of the hardest hit families who struggle the most in the economy today. This tax applies heaviest to families with incomes of between \$20,000 a year and \$75,000 a year. This is a good bracket of folks we are taxing more heavily, and we shouldn't be taxing them more heavily at this point in time.

I direct my colleagues' attention to some of the reports that have been put

out on this issue as well. The Congressional Budget Office did a report about a year ago on this particular issue. They state in their report:

Federal income tax laws generally require that a married couple file a joint tax return based on the combined income of the husband and wife. As a result, husbands and wives with similar incomes usually incur a larger combined tax liability than they would if they could file individually.

This is the opening statement of the CBO.

I ask all of my colleagues, How many of you agree with that tax policy? That is something that the Congress put in place. How many people actually agree with that tax policy? I don't know that there would be anybody who would actually agree with that tax policy, yet it is in place and we have the time, we have the wherewithal, we have the vehicle here funding the legislative branch that we can do this and fund this now. I think it is appropriate that we should do that and take care of something that in 1969—relatively recently—was put in place.

I draw my colleagues' attention to some editorials that have been written on this particular subject. The Indianapolis Star talks about the marriage penalty and that this is something from which we should get away. They have even a pretty nice cartoon about a couple and a car who are just married, and they are hooked to this big anchor, a marriage tax penalty, pulling them back the other way.

Is that the sort of signal we want to send from Congress toward the institution of marriage? I don't think it is.

The Christian Science Monitor: "Bid to Make Tax Policy Friendlier to Marriage." They are saying, "Look, this is something we ought to do."

We have a number of editorials where this was raised across the country.

We are just dealing with one aspect of this. In fact, according to the Joint Economic Committee, in a study on the marriage penalty, the Tax Code contains 66 provisions that can affect a married couple's tax liability. So it is a number of places. We are just getting at one particular feature of it which is that standard deduction. I think there are places we ought to look at overall in doing more in this area. That is the sort of thing that we want to take up—this ridiculous tax—that we want to put forward.

I am hopeful that, with the manager of the bill who has been agreeable to this, we can get the Democrat ranking member to agree that we could bring up this ridiculous tax, and that he would consent to us having a debate, a vote on this particular issue, so we can say to the American public, this is something that is pretty important, and we can do this now, particularly since the CBO said we have the wherewithal to get this done.

So I plead with my Democrat colleagues, let us bring this up. A marriage tax penalty is something important—